IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.457 OF 2005

IN

COMPANY PETITION NO.497 OF 2004

Indian Link Chain Mfrs. Ltd. ...Petitioners

V/s.

M/s.Golden Chemicals Pvt.Ltd. ...Respondents

.....

Mr.F.E.D'Vitre with Mr.J.P.Sen i/b
Federal & Rashmikant for Applicants/Respondents.
Mr.M.G.Mimani for Petitioners.

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CORAM: A.M.KHANWILKAR, J.

AUGUST 26, 2005.

P.C.

1. Heard Counsel for the parties.

2. As it cannot be disputed that the B.I.F.R. proceedings have been registered on 11th November 2002, whereas, Company Petition has been filed on 7th April 2004 which is posterior to the date of

registration, in law, such Petition cannot be entertained. Accordingly, this Application ought to succeed.

3. Counsel for the original Petitioners submits that the Petition be adjourned sine-die. I see no propriety in acceding to that request.

4. Application allowed in terms of prayer clause (a).

A.M.KHANWILKAR, J.